

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

LEIGH J. BECHTLE

(b) County of Residence of First Listed Plaintiff DELAWARE
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorneys (Firm Name, Address, and Telephone Number) 267.513.1942
Marc E. Weinstein, Esq. WEINSTEIN LAW FIRM, LLC
500 Office Center Dr., # 400 Fort Washington, PA 19034**DEFENDANTS**

COUNTY OF DELAWARE

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- | | |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question
(U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity
(Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4 <input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 330 Federal Employers' Liability	PROPERTY RIGHTS	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	PERSONAL PROPERTY	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 880 Defend Trade Secrets Act of 2016	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 385 Property Damage Product Liability	SOCIAL SECURITY	<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 440 Other Civil Rights	Habeas Corpus:	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 510 Motions to Vacate Sentence	FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	Other:		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 540 Mandamus & Other		<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|--|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from Another District (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation - Transfer | <input type="checkbox"/> 8 Multidistrict Litigation - Direct File |
|---|---|--|---|--|--|---|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
42 U.S.C. § 12101**VI. CAUSE OF ACTION**Brief description of cause:
Disability Discrimination and Age Discrimination in Employment**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

Nov 19, 2020

/s/ Marc E. Weinstein, Esq. 267-513-1942 marc@meweinsteinlaw.com

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: _____

520 North Lemon Street Media, PA 19063

Address of Defendant: _____

220 North Jackson Street Media, PA 19063

Place of Accident, Incident or Transaction: _____

Delaware County, Pennsylvania

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when **Yes** is answered to any of the following questions:

- | | | |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case is / is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 11/19/2020

/s/ Marc E. Weinstein
Must sign here

79474

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

CIVIL: (Place a ✓ in one category only)

A. Federal Question Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
- 2. FELA
- 3. Jones Act-Personal Injury
- 4. Antitrust
- 5. Patent
- 6. Labor-Management Relations
- 7. Civil Rights
- 8. Habeas Corpus
- 9. Securities Act(s) Cases
- 10. Social Security Review Cases
- 11. All other Federal Question Cases
(Please specify): _____

B. Diversity Jurisdiction Cases:

- 1. Insurance Contract and Other Contracts
- 2. Airplane Personal Injury
- 3. Assault, Defamation
- 4. Marine Personal Injury
- 5. Motor Vehicle Personal Injury
- 6. Other Personal Injury (Please specify): _____
- 7. Products Liability
- 8. Products Liability – Asbestos
- 9. All other Diversity Cases
(Please specify): _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Marc E. Weinstein, counsel of record or pro se plaintiff, do hereby certify:

Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:

Relief other than monetary damages is sought.

DATE: 11/19/2020

/s/ Marc E. Weinstein
Sign here if applicable

79474

Attorney-at-Law / Pro Se Plaintiff

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LEIGH J. BECHTLE	:	
	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	NO._____
	:	
COUNTY OF DELAWARE	:	
	:	JURY TRIAL DEMANDED
Defendant	:	

CIVIL ACTION COMPLAINT

Plaintiff Leigh J. Bechtle, by and through counsel, hereby complains as follows against Defendant County of Delaware:

I. Introduction

1. Leigh J. Bechtle has been a trial attorney for more than 40 years. In 2014 he joined the Delaware County Public Defender office as an assistant public defender. He suffered a debilitating stroke shortly thereafter. Months later, he courageously returned to his job and battled through the enduring effects of the stroke. He continued to represent the indigent skillfully and faithfully, all the while overcoming his impairments to do so. In 2020, however, a new office Director was hired who had little tolerance for old, disabled attorneys. Plaintiff was discharged in August 2020, for purported reasons that defy credibility. Accordingly, Plaintiff has initiated the instant action to redress violations of the Rehabilitation Act of 1973, 29 U.S.C. § 791 *et seq.* (“Rehab Act”), the Americans with

Disabilities Act, 42 U.S.C. § 12101 *et seq.* (“ADA”) and the Age Discrimination in Employment Act (29 U.S.C. § 621 *et seq.*) (“ADEA”).

II. Parties

2. Plaintiff is an adult male and citizen of the United States. He resides in Delaware County, Pennsylvania.
3. Defendant Delaware County (“County”) is one of the Commonwealth of Pennsylvania’s 67 counties.
4. The County is governed by a five-member County Council. Members of County Council are elected on an at-large basis to four year terms at staggered two year intervals when municipal elections are held, which occur in odd numbered years.
5. In accordance with the Constitution of the Commonwealth of Pennsylvania, the County appoints a Public Defender.
6. The Public Defender’s Office (“PDO”), according to the County’s website, provides legal assistance to persons who are accused of criminal offenses by the Commonwealth of Pennsylvania and who cannot afford the expense of presenting a defense to the charges against them. The PDO employs a team of attorneys which is supported by various paralegals, investigators, and other staff.
7. The PDO represents several thousand clients each year who are charged with crimes ranging from retail theft offenses to homicide in the District Justice Courts, the Court of

Common Pleas and the Appellate Courts of Pennsylvania. In addition, the PDO represents young people who appear in the Juvenile Court, and clients charged with contempt in Family Court.

8. The PDO has been run, at all times relevant to this case, by Christopher Welsh. Welsh holds the position of Director.

9. At all times relevant herein, the County acted through its several agents, servants, and employees (including but not limited to those named elsewhere in this Complaint), each of whom acted in the course and scope of their employment for the County at all times relevant herein. The County is therefore fully responsible for the illegal acts and omissions of the aforesaid employees pursuant to the principle of *respondeat superior*.

III. Jurisdiction and Venue

10. This Court may properly maintain personal jurisdiction over Defendant because Defendant's contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over Defendant to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the United States Supreme Court in *Int'l Shoe Co. v. Washington*, 326 U.S. 310 (1945) and its progeny.

11. The United States District Court for the Eastern District of Pennsylvania has original subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1333(a)(4) because it arises under the laws of the United States and seeks redress for violations of civil

rights.

12. Venue is properly laid in this District pursuant to 28 U.S.C. §§ 1331(b)(2) and (c)(2) because a substantial part of the events or omissions giving rise to the claims set forth herein occurred in this judicial district and Defendant is subject to personal jurisdiction in the Eastern District of Pennsylvania.

IV. Procedural and Administrative Requirements

13. Plaintiff has exhausted the procedural and administrative requirements for proceeding under the ADA and ADEA. In particular:

- a. On or about September 1, 2020, Plaintiff filed a timely written Charge of Discrimination with the U.S. Equal Employment Opportunity Commission (“EEOC”) where it was assigned Charge No. 530-2020-05462;
- b. On or about September 2, 2020, the EEOC issued a Notice of Right to Sue to Plaintiff on the aforesaid Charge;
- c. The instant action is timely because it has been initiated within ninety (90) days of the receipt of the aforementioned Notice;
- d. Plaintiff fully exhausted his administrative remedies.

V. Factual Background

14. Plaintiff’s date of birth is October 6, 1949.

15. Plaintiff is an attorney licensed in the Commonwealth of Pennsylvania.

16. Prior to his admittance to the Bar in 1979, Plaintiff served in the United States Navy on active duty. Thereafter he graduated cum laude from Ohio University and earned his law degree from Widener University School of Law.

17. For the next 35 years, his practice was devoted to defense litigation and trial work.

18. During those years, Plaintiff provided seminars and speeches to various associations and agencies around the country, including AIG staff attorneys, the Pennsylvania Housing Finance Agency, the Pennsylvania Chiropractic Association and the Pennsylvania Bar Institute. He also served as a faculty member of the Intensive Trial Advocacy Program at the Widener School of Law.

19. At the age of 65, Plaintiff opted to serve in the public sector. He became a full-time assistant public defender with the PDO upon being hired in or about August 2014.

20. A few weeks after Plaintiff began his duties he suffered a stroke.

21. Plaintiff spent six weeks in Bryn Mawr Rehab Hospital where he received physical therapy, occupational therapy and speech therapy to regain the use of the left side of his body.

22. Aside from enduring, significant impairments in using the left side of his body, the stroke has impaired his speech due to partially paralyzed vocal cords.

23. Notwithstanding these multiple, significant impairments, Plaintiff successfully handled courtroom duties for the PDO's Juvenile unit.

24. In February 2020, allegedly due to a complaint from one or more judges who said he could not understand Plaintiff, Plaintiff was abruptly transferred into the Appeals unit. There was no effort to accommodate Plaintiff or utilize technology so that the complaining judges could understand him.

25. After the COVID-19 related office shutdown, the new Director - Christopher Welsh - fired Plaintiff on or about August 17, 2020 for fabricated reasons. Welsh told Plaintiff that two memoranda he had recently completed were “bad, and below the standards he was hired to uphold.”

26. Prior to his abrupt dismissal, Plaintiff had no prior warnings, disciplines or corrective actions.

27. Prior to his abrupt dismissal, his Appeals unit supervisor issue no concerns or criticisms of Plaintiff’s work, or of the memoranda he prepared.

28. Prior to his abrupt dismissal for purportedly poorly drafting two memoranda, Plaintiff’s career had featured published writings. He had written a CLE course which was published and sold. He wrote a 60 page medical-legal article published by Andrews Publication in Wayne, PA. In fact, he had just recently written an expert report in a legal malpractice action.

29. Prior to discharging Plaintiff, Welsh had expressed disdain for older attorneys in the office. During his short tenure, Welsh has also terminated the employment of other older attorneys for no apparent or legitimate reason.

COUNT ONE
VIOLATIONS OF THE REHAB ACT
DISABILITY DISCRIMINATION

30. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.
31. Because the County is a recipient of Federal funds, the County is subject to the provisions of the Rehabilitation Act pursuant to 29 U.S.C. § 794(b)(1).
32. Plaintiff is a “qualified individual with a disability” as that term is defined in the Rehab Act because at all relevant times he had a physical impairment that substantially limited him in one or more major life activities, and/or he had a record of such an impairment. Further, Plaintiff was able to perform the essential components of his job with or without a reasonable accommodation.
33. In discharging Plaintiff because of his disability or perceived disability, the County knowingly, purposefully and deliberately violated Plaintiff’s rights under the Rehab Act.
34. As a result of the County’s unlawful discrimination, Plaintiff has suffered pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses.

COUNT TWO
VIOLATIONS OF THE ADA
DISABILITY DISCRIMINATION

35. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.
36. At all relevant times Defendant has had at least 15 employees and is capable of being

sued under the ADA and is subject to the jurisdiction of this court under that statute.

37. Plaintiff is a qualified individual with disability as defined by the ADA.
38. Defendant's actions as aforesaid constitute violations of the ADA.
39. In committing the aforesaid violations, Defendant has engaged in discriminatory practices with malice and reckless indifference to Plaintiff's federally-protected rights to be free from employment discrimination based on a disability or perceived disability.
40. As a result of Defendant's unlawful discrimination, Plaintiff has suffered pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses

COUNT THREE
VIOLATIONS OF THE ADEA
UNLAWFUL AGE DISCRIMINATION

41. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.
42. In the manner set forth above and in violation of the ADEA, the County has engaged in knowing, willful, purposeful and unlawful discrimination by terminating Plaintiff's employment on account of his age.
43. As a result of the age discrimination inflicted by Defendant, Plaintiff has suffered damages including but not limited to denial of employment, lost wages, lost benefits, lost promotions, lost training, and lost experience.

WHEREFORE, Plaintiff requests the relief set forth below:

- A. The County shall be enjoined from maintaining its illegal policy, practice, or custom of discriminating against employees based on their disability or perceived disability, and/or age, and is to be ordered to promulgate an effective policy against such discrimination and to adhere thereto;
- B. The County shall compensate Plaintiff, reimburse Plaintiff, and make Plaintiff whole for any and all pay and benefits Plaintiff would have received had it not been for Defendant's illegal actions, including but not limited to back pay, front pay, salary, pay increases, medical and other benefits, training, promotions, pension, and seniority. Plaintiff should be accorded those benefits illegally withheld from the time the County terminated Plaintiff's employment;
- C. The County shall pay Plaintiff compensatory damages for the pain, suffering, mental anguish and humiliation caused it has caused to Plaintiff by its illegal actions as permitted the Rehab Act and ADA;
- D. Because the County willfully violated Plaintiff's rights under the ADEA, the County shall pay liquidated damages to Plaintiff pursuant to section 626(b) of the ADEA;
- E. Plaintiff is to be awarded the costs and expenses of this action and reasonable legal fees as provided by applicable federal and state law;
- F. Plaintiff is to be accorded any and all other equitable and legal relief as the Court deems just, proper, and appropriate;

G. This Court should maintain jurisdiction over the instant action to ensure full compliance with its Orders therein until such time it is satisfied that its Orders and dictates have been complied with in full by Defendant.

REQUEST FOR JURY TRIAL

Plaintiff hereby makes his request for a jury trial for all claims raised in this action.

Respectfully submitted,

WEINSTEIN LAW FIRM, LLC

By: /s/ Marc E. Weinstein
Marc E. Weinstein, Esquire
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Fort Washington, PA 19034
267.513.1942
marc@meweinsteinlaw.com
Counsel to Plaintiff
PA Atty No. 79474

Dated: November 19, 2020